

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 KENNETH S. SYLVESTER, et al.,

8 Plaintiffs,

9 v.

10 MERCHANTS CREDIT  
11 CORPORATION,

12 Defendant.

C17-168 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiffs' Motion for Attorneys' Fees and Costs, docket no. 46, is  
16 GRANTED. The Court granted Plaintiffs' Motion for Summary Judgment, docket no.  
17 44, on December 11, 2019. Plaintiffs are entitled to reasonable attorneys' fees and costs  
18 as the prevailing party pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15  
19 U.S.C. § 1692k(a)(3). In Opposition to the Motion, Defendants do not contest the  
20 amount of requested costs, that Plaintiffs are entitled to fees as the prevailing party  
21 pursuant to the FDCPA, or the requested hourly rate of \$350. Rather, Defendants  
22 contend that the number of hours that Plaintiffs spent litigating this case is unreasonable  
23 because this is a "very simple case where [Defendant] intentionally did not provide much  
opposition." Defendant's Response, docket no. 47 at 1. Plaintiffs, however, submitted  
documentation including detailed billing records, exhibits, and affidavits that reveal  
Defendant's efforts to obstruct and ignore Plaintiffs and otherwise delay litigation. For  
example, Defendant failed to timely answer the Complaint (docket no. 8), failed to  
provide responses to discovery requests on multiple occasions (docket nos. 12 & 25), and  
failed to respond to Plaintiffs' communications throughout the case (McBride Decl.,  
docket no. 46-1, ¶¶ 9, 14, 15, 17, 24). Defendant does not dispute Plaintiffs' recitation of

1 the procedural history of this case. The record shows that Defendant turned an otherwise  
2 uncomplicated matter into protracted litigation lasting nearly three years, requiring  
3 unnecessary work from both Plaintiffs' counsel and this Court. The Court is satisfied that  
4 the number of hours Plaintiffs spent litigating this case is reasonable in light of the  
5 record. The Court AWARDS Plaintiffs \$23,940 in attorneys' fees and \$581.31 in costs,  
6 for a total award of \$24,521.31.

7  
8 (2) The Clerk is DIRECTED to enter a supplemental judgment consistent with  
9 this Minute Order and to send a copy of this Minute Order and the supplemental  
10 judgment to all counsel of record.

11  
12 Dated this 18th day of February, 2020.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
William M. McCool  
Clerk

s/Karen Dews  
Deputy Clerk